

APPROVED: Meeting No. 35-81

ATTES:

Helen M. Heneghan

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
MEETING NO. 34-81

September 28, 1981

The Mayor and Council of Rockville, Maryland, convened in general session in the Council Chamber, Rockville City Hall, Maryland at Vinson Street, Rockville, Maryland on Monday, September 28, 1981, at 8:00 p.m.

PRESENT

Mayor William E. Hanna, Jr.

Councilman John Freeland

Councilman John Tyner

Councilman Steve Abrams
(Because of Rosh Hashanah)

ABSENT

Councilwoman Phyllis Fordham

The Mayor in the Chair.

In attendance: City Manager Larry Blick; City Attorney Roger Titus; City Clerk Helen M. Heneghan; Information Officer Sue M. Patterson; Director of Finance John Lawton; Chief of Police Jared Stout; Assistant City Manager Daniel Hobbs; Director of Planning James M. Davis.

Re: City Manager's Report

Mr. Blick reported the following:

1. Yesterday, the Indian Summer Festival was held at the Civic Center. About six hundred people attended.
2. The traffic count on the new portion of Ritchie Highway is 6,500. The stretch of road from Ritchie to Falls shows a 35 percent reduction as does the stretch from Falls to Seven Locks, so the new road is being used as a cut off as intended.
3. The developer of the Orchard Ridge subdivision has chained off the cul-de-sac that was complained about at a recent Council meeting.
4. The refuse route changes are going quite smoothly with no complaints.
5. The contractor has begun work on Fleet Street with staking being completed earlier this week.

Mayor Hanna said the Harvest Festival was a big success and all the people there certainly seemed to enjoy it.

September 28, 1981

Re: Proclamation: Rockville Business
Women's Week - Oct. 17-24, 1981

Proclamation No. 7-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 7-81 proclaiming the week of October 17-24 as Rockville Business Women's Week. Councilman Freeland read the proclamation at the request of the Mayor in which it was urged that all citizens join in this salute to working women.

Re: Proclamation: Hunger Awareness
Month - November

Proclamation No. 8-81

There being no objection from the Council, Mayor Hanna proceeded to issue Proclamation No. 8-81 proclaiming the month of November as Hunger Awareness Month in the City. Councilman Tyner read the proclamation at the request of the Mayor in which it was urged that all citizens join all agencies committed to fight hunger.

Re: Appointments

Mayor Hanna, with the confirmation of the Council, made the following appointments:

Humanities Commission: Barbara Nickerson - one-year term as Chairman

Board of Election Supervisors: John Rausch - four-year reappointment membership

Senior Citizens Commission: Franz Maier - three-year reappointment membership

Civic Improvement Advisory Commission: Gerald S. Leighton - two-year appointment
1304 Princeton Place
Rockville, MD 20850

Planning Commission: Frances Manderscheid - exp. 1/86
6 Monument Court
Rockville, MD 20850

Housing Authority: Phyllis Marcuccio - five-year membership term
406 South Horners Lane
Rockville, MD 20850

Re: Award of Contract: Bid No. 9-82,
Traffic Signal Maintenance

Bids were opened on Thursday, September 17, 1981, in the Mayor and Council Chamber for Bid No. 9-82, the annual traffic signal maintenance contract. This contract covers routine maintenance, necessary materials for eleven of the City's twelve signalized intersections. The twelfth signal, at Chapman Avenue and Twinbrook Parkway, is being maintained by Montgomery County as part of their Rockville Pike signal system.

One bid was received for this contract:

Hawkins Electric Co., College Park, Maryland \$11,466.00

The Contract Office invited sixty (60) companies in all to bid on this contract, of which only two (2) expressed serious intent. This low response is indicative of the nature of traffic signal maintenance, a highly sophisticated specialty in which few electrical contractors are qualified.

This year's bid is 29 percent higher than last year's awarded bid of \$8,833.

Hawkins Electric has been maintenance contractor for the last several years and continues to meet specifications. Staff recommends that the contract be awarded to Hawkins Electric Company for the low bid price of \$11,466.00.

On motion of Councilman Freeland, duly seconded and unanimously passed, Bid No. 9-82, Traffic Signal Maintenance, was awarded to Hawkins Electrical Company in their low bid amount of \$11,466.00.

Re: Introduction of Ordinance: To
Grant Text Amendment Application,
T-44-81, Planning Commission, Appli-
cant, modifying the parking requiremen
in the Transitional Zone

On motion of Councilman Tyner, there was introduced upon the table, an ordinance granting Text Amendment Application, T-44-81, said ordinance to lay over at least one week before final action is taken.

Re: Approval of Statement to Board of
Education regarding the Superintendent's
15-year Comprehensive Plan

Testimony submitted to the Mayor and Council is to be given before the Board of Education if the Mayor and Council's request to testify is granted. Councilman Tyner suggested modifications to the corrected testimony on pages 1, 2 and 3.

On motion of Councilman Freeland, duly seconded and unanimously passed, the corrected testimony was approved.

Re: Decisions and Instructions to staff
re Text Amendment Application, T-46-81,
Municipal Infractions and Introduction
of Ordinance

On motion of Councilman Tyner, duly seconded and unanimously passed, the staff was instructed to prepare the necessary legal documentation to grant Text Amendment Application, T-46-81.

On motion of Councilman Tyner, there was introduced upon the table, an ordinance granting Text Amendment Application, T-46-81, Mayor and Council, Applicant, said ordinance to lay over at least one week before final action is taken.

Re: Decisions and Instructions to staff re SCA-36-81 and SCA-37-81 Mayor and Council of Rockville, Applicant, requesting the abandonment of an unused alley and service drive in the Montgomery College urban renewal area at Mannakee St.

On motion of Councilman Tyner, duly seconded and unanimously passed, staff was instructed to prepare the necessary legal documentation to grant Street Closing and Abandonment Applications, SCA-36-81 and SCA-37-81, Mayor & Council of Rockville, Applicant.

Re: Preliminary Review and Referral of Text Amendment Application, T-50-81, restricting adult entertainment establishments to the Industrial Park (I-3) Zone.

On motion of Councilman Tyner, duly seconded and unanimously passed, Text Amendment Application, T-50-81, was referred to the Planning Commission for further review.

Re: Citizens Forum

The Mayor opened the meeting to those citizens who wished to address the Mayor and Council:

1. Mr. Nicholas Stoer of the Traffic and Transportation Commission and resident of Potomac Springs. Mr. Stoer thanked the Council for the time spent over the past months on the Furman Annexation. He noted that he is not sure that long-range planning was well served in the Mayor and Council's decision. The item was never formally referred to the Traffic and Transportation Commission for its input as it should have been. He expressed the hope that in the future, better use of the Traffic and Transportation Commission could be made. Mayor Hanna thanked Mr. Stoer for his remarks and the point that he had made. Mayor Hanna said the Council is fairly consistent in referring planning matters to the Planning Commission and traffic matters to the Traffic Commission, but frequently, there will be planning matters that have traffic overtones and cross referral is needed. Councilman Freeland said that he had not agreed with

Councilman Abrams' view point, but neither was he pleased with the solution that was reached. He contended that transportation planning must be tied to land use and the Traffic and Transportation Commission should advise the Mayor and Council on an equal footing with the Planning Commission. There needs to be a working relationship between the two commissions. The City Manager said referral is generally done, but the final solution in this particular item came very late in the game. Mr. Stoer disagreed with the City Manager's remark.

Mayor Hanna asked Mr. Stoer, since sometimes matters before the Council accelerate, could the Traffic and Transportation Commission agree to an accelerated schedule also. The Chairman of the Traffic and Transportation Commission, Mr. Weirich, present in the audience, said he saw no problems with a more frequent meeting schedule. The only problem he saw was one of attempting to establish a line of communication. Mayor Hanna asked that all boards and commissions understand that their testimony and advice on matters are welcomed to the Mayor and Council at all times.

2. Mrs. Annie Hawkins. Mrs. Hawkins protested to the Mayor and Council the thirty-year assessment on her property and spoke extensively on her attempts to have the matter settled. Mayor Hanna asked Mrs. Hawkins to meet with the Director of Finance again tomorrow and assured Mrs. Hawkins that if there is any question at all she will certainly be given the benefit of the doubt.

There being no other citizen wishing to be heard, the Mayor closed the citizen's forum portion of the meeting.

Re: Correspondence

The Mayor and Council noted the following items of correspondence:

1. Everett Horton, re speed humps

Mayor Hanna asked the City Manager to respond to this letter and explain to Mr. Horton that speed humps located at any traffic intersection are not feasible due to the chance of loss of control resulting in a multiple car accident.

2. Mark Murphy, New Mark Commons, re CEBCO and City procedures

Councilman Tyner suggested that the staff review Mr. Murphy's comments on City procedures and evaluate his recommendations for possible improvement to the process.

3. L. W. Smith, E. Rockville Civic Association, re use of Maryvale school site
4. J. Hoffman, re support of M-30-81 and M-31-81 map amendments
5. Rockville Chamber of Commerce re cable television.

6. D. Smith, re Granny Flats
7. L. W. Andris, re M-30-81 and M-31-81

Re: Information Items

The Mayor and Council noted the following items of information:

1. Memo from Director of Finance re Loss Experience and Cost Review of Self-Insurance Program

2. Notice from COG re accessory apartment conference

Councilman Freeland said he would hope a member of staff might attend this conference, but if that were impossible, he would like to see the material picked up.

3. Memo from Director of Planning re Brunswick Line
4. Copy of article from Park Practice Program
5. Project Status Report from Recreation and Parks Department
6. Memo from CDHA re resale of B&O Station

Mayor Hanna said it is imperative that the WMATA proceed with the sale of the station since as long as it is unoccupied, damage could be done to it.

7. Memo on Borrowing to Finance Capital Projects

Councilman Tyner instructed the Director of Finance to move on with his suggestions.

Re: New Business

1. Mayor Hanna told the Council that the staff has been unable to convince Montgomery County to deed Woodley Gardens School to the City. They continue to talk about leasing it. He said he plans to visit the County Executive and ask the County once more to deed the property to the City. He knows it is not a departure from policy since the County is willing to release Maryvale School if the City will raze it. He sees no rationale to their current position.

2. The City Manager brought to the Council's attention, a re-zoning application before the County Planning Board for property that was formerly the Shady Grove Music Fair. The County plans to undertake a huge expense in the construction of public facilities which will be a drain on those areas that already have such facilities in place. He said he would like to let the County know that the City disagrees with the proposed course of action. Mayor Hanna asked that a letter be prepared for his signature to the County Executive and to the County Councilmembers expressing the chagrin of the City at the County's consideration

of that type of proposal. It will have a detrimental effect on Rockville's Town Center. He said the County's Economic Development Program should be addressed to Rockville, the County Seat, as well as the rest of the County. They should desire to see it prosper. In terms of priority, the Town Center Development is remarkably above that priority at Shady Grove, even if the roads were in place, and public expenditure to develop that property verges on irresponsibility. Councilman Freeland agreed and asked that the City's position be stated strongly since development there does no more than cut each others throat instead of working together. Mayor Hanna agreed and said there is no need to be in competition. The City and County should be reinforcing each other. Councilman Freeland said this type of thing is done time and time again by the County, whether it be a cornfield or a Silver Spring business sector, Rockville is ignored. He said he can only conclude there is some other reason for these actions and he questions what motivation results in an action of this type. Councilman Tyner noted that the Governor turned the County down when business and the County Executive went to him to finance existing projects. So, where will this money be obtained. Mayor Hanna agreed, and said a classic case exists in the County in the Silver Spring area, which was neglected and now is causing twice as much money to be treated. The City Manager suggested that construction of I-370 also be mentioned. The letter will be drafted.

Re: Approval of Minutes

On motion of Councilman Freeland, duly seconded and unanimously passed, the Minutes of Meeting No. 31-81, September 9, 1981, were approved as written.

On motion of Councilman Tyner, duly seconded and unanimously passed, the Minutes of Meeting No. 32-81, September 14, 1981, were approved as written.

Re: Executive Session

There being no further business to come before the Council in general session, the meeting was closed for executive session for consultation with legal counsel.

Re: Adjournment

There being no further business to come before the Council in executive session, the meeting was adjourned at 9:50 p.m. to convene again in general session on Monday, October 19, 1981, at 8:00 p.m. or at the call of the Mayor.